



Seo Law Group, PLLC

136-68 Roosevelt Ave, Suite 726

Flushing, New York 11354

Phone: 718-500-3340

February 2, 2024

VIA ECF

Honorable Peggy Kuo
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Vega Camillo, et al v. Khim's Millennium Market, Inc., et al.*

**Case No.: 1:22-cv-07846 – Defendants' Opposition to Plaintiff's Letter
Request for a Pre-Motion Conference**

Dear Judge Kuo:

This office represents the Defendants in the above-referenced matter. We write in opposition to Plaintiffs' motion to compel, in the event that this Court decides to grant Defendants' motion for vacatur and leave to file an opposition. Attached as **Exhibit A** is Defendants' response to Plaintiffs' deficiency letter which was sent back in January 5, 2024, which is not included as a part of Plaintiff's motion. Defendants have also supplemented their responses today, the emails which are attached as **Exhibit B**.

Interrogatory No. 3:

Defendants have already responded pursuant to FRCP 33(d) by providing and referring to the business records that are responsive to this request. While Plaintiffs contend that the method of payment and the corresponding time periods are not provided in Defendants' response, this is not true, as both information is clearly provided in the documents referenced by the Defendants. The method of payments, which were checks, and the corresponding time periods are written on these checks. While Plaintiffs contend that Plaintiffs did not provide any wage statements or wage notices, these documents were not requested in this interrogatory.

Interrogatory No. 4:

Defendants have supplemented their response to this interrogatory. However, it is ambiguous and vague as to what Plaintiffs mean by a "regular work schedule."



Seo Law Group, PLLC

136-68 Roosevelt Ave, Suite 726

Flushing, New York 11354

Phone: 718-500-3340

Request for Production of Documents Nos. 10, 14, 15:

Defendants have supplemented their response today by stating that they are not in possession of any documents responsive to these requests.

Request for Production of Documents Nos. 16-20:

Defendants have supplemented their response today by stating that they are not in possession of any documents responsive to these requests.

For the foregoing reasons, Plaintiffs' motion should be denied.

We thank the Court for its time and attention to this matter.

Respectfully Submitted,

Seo Law Group, PLLC

By: /s/ Robert Jun

Robert Jun

Attorneys for Defendants

cc: All counsel of record (via ECF)
Attach.



Seo Law Group, PLLC

136-68 Roosevelt Ave, Suite 726

Flushing, New York 11354

Phone: 718-500-3340

EXHIBIT A



Robert Jun <robert@seolawgroup.com>

Re: Khims Market - Proposed CMP

Robert Jun <robert@seolawgroup.com>

Fri, Jan 5, 2024 at 1:28 PM

To: Mike DiGiulio <mike@jk-llp.com>

Cc: Diana Seo <diana@seolawgroup.com>, Maimon Kirschenbaum <maimon@jk-llp.com>

Hi Mike- I hope all is well. We will have to get back to you regarding your noticed deposition dates. We will be providing a verification page with regards to the interrogatory. With regards to your deficiency letter, we respond, and where appropriate, supplement as follows:

Interrogatories

- 1: Pursuant to FRCP 33(d), we rely on the business records that have been produced.
- 2: We have identified the job duties and the corresponding time periods to the best of our ability.
- 3: Pursuant to FRCP 33(d), we rely on the business records that have been produced.
- 4: We stand by our objections and response to this.
- 5: We have answered this to the best of our ability. We reserve the right to amend our response as discovery reveals.
- 6: We supplement as follows: After the Covid-pandemic started in 2020, Plaintiff Vega Camillo received "advancement" of payment in the amount of \$8,000.00 to move-in to an apartment located in Manhattan. For another instance, around the end of 2021, Plaintiff Vega Camillo received "advancement" of payment in the amount of \$12,000.00 to pay Plaintiff Leticia Mejia Alejandro's and his child(en)'s moving and travel expenses. Upon information and belief, Plaintiff Leticia Mejia Alejandro moved from Mexico to the U.S. after Plaintiff Vega Camillo received the \$12,000.00 "advancement" from Khims Millennium. For another instance, around the end of 2021, Plaintiff Vega Camillo requested "advancement" of payment in the amount of \$7,000.00 to cover his family member's living expenses. Upon receipt of the \$7,000.00 "advancement," and informed Khims Millennium that he would reimburse the amount. In or around October 2022, Plaintiff Vega Camillo stopped coming to work at Khims Millennium and remained non-responsive without reimbursing any of the "advanced" payments he received while working at Khims Millennium. Plaintiff Vega Camillo would reimburse the amount of \$8,000.00 "advanced" payment that he received to move-in to the apartment located in Manhattan, but failed to reimburse Khims Millennium to date. Plaintiff Vega Camillo would reimburse the amount of \$12,000.00 "advanced" payment that he received to cover his family members' moving/travel expenses, but failed to reimburse Khims Millennium to date. Plaintiff Vega Camillo would reimburse the amount of \$7,000.00 "advanced" payment that he received to cover his family members' living expenses, but failed to reimburse Khims Millennium to date.

Requests for Production of Documents:

- 10: We stand by our objections to this request.
- 11: We supplement our response as follows: Upon information and belief, we are not in possession of any documents responsive to this request.
- 12: We supplement our response as follows: Upon information and belief, we are not in possession of any documents responsive to this request.
- 13: We supplement our response as follows: Upon information and belief, we are not in possession of any documents responsive to this request.
- 14: We stand by our objections to this request.
- 15: We stand by our objections to this request.
- 17-20: We fail to see the relevance to these requests. Do you have any case law to support your position that these documents are discoverable?

22: Contrary to what is stated in the deficiency letter, we did not state that we are in the process of looking for these documents in our initial response.

8 and 23: We will get back to you regarding these.

Please let me know if you wish to discuss.

Best,
Robert

[Quoted text hidden]

--

Regards,

Robert Jun

Seo Law Group, PLLC
136-68 Roosevelt Ave
Suite 726
Flushing, NY 11354
<http://www.seolawgroup.com>

Phone: 718-500-3342



Seo Law Group, PLLC

136-68 Roosevelt Ave, Suite 726

Flushing, New York 11354

Phone: 718-500-3340

EXHIBIT B



Robert Jun <robert@seolawgroup.com>

Re: Khims Market - Proposed CMP

Robert Jun <robert@seolawgroup.com>

Fri, Feb 2, 2024 at 4:26 PM

To: Mike DiGiulio <mike@jk-llp.com>

Cc: Diana Seo <diana@seolawgroup.com>, Maimon Kirschenbaum <maimon@jk-llp.com>

Hi Mike- I meant to write to you to supplement Defendants' responses, as I stated I would in my January 15, 2024 email. I was away on vacation for the latter half of December, and so its been a bit hectic.

Interrogatory 4:

We maintain our initial objections and reserve all rights. Notwithstanding this, Defendants supplement by providing the following information: Both Plaintiffs worked from Monday to Saturday. Leticia worked approximately 37 hours a week. Lorenzo stopped working for the Defendants from April of 2021 until October of 2021. He started working again for the Defendants in November of 2021.

Request for Production of Documents 10, 14, and 15:

We maintain our initial objections and reserve all rights. Notwithstanding this, Defendants supplement by providing the following information: Defendants are not in possession of any documents responsive to these requests.

Regards,
Robert

On Fri, Feb 2, 2024 at 2:23 PM Mike DiGiulio <mike@jk-llp.com> wrote:

Robert,

Thanks for the email. Plaintiffs do not consent to Defendants filing their opposition today.

Have a nice weekend,

Mike

Get [Outlook for iOS](#)

From: Robert Jun <robert@seolawgroup.com>

Sent: Friday, February 2, 2024 12:48 PM

To: Mike DiGiulio <mike@jk-llp.com>

Cc: Diana Seo <diana@seolawgroup.com>; Maimon Kirschenbaum <maimon@jk-llp.com>

Subject: Re: Khims Market - Proposed CMP

Dear Mike- I tried caling you today. As you may be aware, we have missed the deadline to oppose Plaintiffs' discovery motion. We would like to know if Plaintiffs would consent to Defendants to file an opposition by today. Please let me know.

Regards,
Robert

On Fri, Jan 26, 2024 at 3:21 PM Mike DiGiulio <mike@jk-llp.com> wrote:

Robert,

Please find attached, Plaintiffs' final supplemental production. Plaintiffs have no further responsive documents in their possession and do not intend to make any further supplemental productions.